



CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS

**ENTERED**

THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed August 24, 2023

*Mark X. Mullins*  
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FT. WORTH DIVISION

IN RE:

FLEXIBLE FUNDING LTD. LIABILITY CO.,  
*et. al.*,

Debtors.

FLEXIBLE FUNDING LTD. LIABILITY CO.,  
Plaintiff

v.

TOTEM FOREST PRODUCTS  
INTERNATIONAL LLC DBA TOTEM MATS,

Defendant

Case No. 21-42215-11-mxm  
Chapter 11

Adversary Proceeding No. 23-04014

**AGREED SCHEDULING ORDER**

By agreement of the parties reached at their Rule 7026(f) conference, this agreed Scheduling Order shall apply in this adversary proceeding. It is ORDERED that the following dates and deadlines apply in this adversary proceeding:

1. The Trial Docket Call is scheduled for February 22, 2024 at 9:00 a.m., before the Honorable Mark X. Mullin at 501 W. Tenth St. Room 128, Fort Worth Texas 76102. Depending on the Court's calendar, the trial will be held in March 2024.

2. The parties shall exchange Bankruptcy Rule 7026(a) disclosures within ten (10) days of the Court approving this Agreed Scheduling Order.

3. Discovery must be completed forty-five (45) days prior to Docket Call.

4. The names and addresses of experts, if any, shall be exchanged sixty (60) days prior to Docket Call.

5. A Joint Pretrial Order in compliance with Local District Rule 16.4 shall be filed, served, and uploaded for court entry seven (7) days prior to Docket Call. All counsel are responsible for preparing the Joint Pretrial Order, which shall contain the following: (a) summary of the claims and defenses of each party; (b) a statement of stipulated facts; (c) a list of the contested issues of fact; (d) a list of contested issues of law; (e) an estimate of the length of trial; (f) a list of additional matters which could aid in the disposition of the case; and (g) the signature of each attorney.

6. Each exhibit shall be marked with an exhibit label. Except for impeachment documents, all exhibits, along with a list of witnesses to be called, shall be exchanged with opposing counsel fourteen (14) days prior to Docket Call. Each party shall also file a list of exhibits and witnesses fourteen (14) days prior to Docket Call. All exhibits not objected to in writing by Docket Call shall be admitted into evidence at trial without further proof, except for objections to relevance.

7. Written Proposed Findings of Fact and Conclusions of Law shall be filed seven (7)

days prior to Docket Call. Trial briefs shall be filed addressing contested issues of law seven (7) days prior to Docket Call.

8. All dispositive motions must be heard no later than fourteen (14) days prior to Docket Call. Accordingly, all dispositive motions must be filed no later than forty-five (45) days prior to Docket Call, unless the Court modifies this deadline.

9. All parties and counsel must certify to full compliance with this Order at the Trial Docket Call.

10. This Agreed Scheduling Order is entered without prejudice to the parties agreeing to or asking Court approval of a modified schedule.

###END OF ORDER###

Approved as to form and content:

SULLIVAN BLACKBURN PRATT LLP

/s/ Christopher D. Sullivan  
Christopher D. Sullivan  
California Bar No.148083)  
(Admitted *Pro Hac Vice*)  
Attorneys for Plaintiff

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

/s/ Jeffrey Carruth  
Jeffrey Carruth  
Texas Bar No. 24001846  
Attorneys for Defendant

Flexible Funding Ltd. Liability Co.,  
Plaintiff

Adv. Proc. No. 23-04014-mxm

Totem Forest Products International LLC,  
Defendant

## CERTIFICATE OF NOTICE

District/off: 0539-4

User: admin

Page 1 of 2

Date Rcvd: Aug 24, 2023

Form ID: pdf001

Total Noticed: 3

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 26, 2023:

NONE

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
aty	+ Email/Text: docketcr@wardandsmith.com	Aug 24 2023 21:42:00	Lance Paul Martin, 82 Patton Avenue, Suite 300, Asheville, NC 28801-3350
ust	+ Email/Text: ustpreion06.da.ecf@usdoj.gov	Aug 24 2023 21:42:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996
ust	+ Email/Text: ustpreion07.au.ecf@usdoj.gov	Aug 24 2023 21:42:00	United States Trustee - AU12, United States Trustee, 903 San Jacinto Blvd, Suite 230, Austin, TX 78701-2450

TOTAL: 3

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 26, 2023

Signature: /s/Gustava Winters

## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 24, 2023 at the address(es) listed below:

Name	Email Address
Christopher Sullivan	on behalf of Plaintiff Flexible Funding Ltd. Liability Co. csullivan@sullivanblackburn.com rbahadurji@sullivanblackburn.com
Jeffery D. Carruth	on behalf of Defendant Totem Forest Products International LLC jcarruth@wkpz.com

District/off: 0539-4

User: admin

Page 2 of 2

Date Rcvd: Aug 24, 2023

Form ID: pdf001

Total Noticed: 3

jcarruth@aol.com;atty\_carruth@trustesolutions.com;carruthjr87698@notify.bestcase.com;ATTY\_CARRUTH@bluestylus.com

TOTAL: 2